

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSEPH FISHER,
Plaintiff,

v.

NANCY A. BERRYHILL,¹
Acting Commissioner of Social Security,
Defendant.

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CIVIL ACTION

No. 16-1001

ORDER

AND NOW, this 29th day of December, 2017, upon consideration of Plaintiff's Brief and Statement of Issues in Support of Request for Review (Docket No. 19), the Commissioner's Response (Docket No. 21), Plaintiff's Reply (Docket No. 22), the Report and Recommendations of Magistrate Judge Lynne A. Sitarski (Docket No. 23), Plaintiff's Objections thereto (Docket No. 24), the Commissioner's Response to Plaintiff's Objections (Docket No. 26), and the Administrative Record (Docket No. 13), **IT IS ORDERED** that:

1. Plaintiff's Objections (Docket No. 24) are **OVERRULED**;²

¹ Nancy A. Berryhill, Acting Commissioner for Social Security, is automatically substituted for former commissioner Carolyn W. Colvin as defendant in this action. Fed. R. Civ. P. 25(d).

² When a plaintiff files objections to a magistrate judge's report, the Court is required to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(c). After conducting such a review, this Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.* The Court has made a thorough review of Plaintiff's administrative record, and has considered Plaintiff's arguments and factual assertions submitted to the Court in the documents listed above, including his Objections. Magistrate Judge Sitarski has filed a thorough, comprehensive and well-reasoned Report, reflecting a detailed examination of the administrative proceedings that preceded her review, and a thoughtful consideration of the issues that Plaintiff raises here. Plaintiff's Objections do no more than raise arguments that he already raised in his earlier briefing and that were thoroughly addressed in the Report and Recommendations. After *de novo* review, the Court concludes that the record review and analysis Magistrate Judge Sitarski conducted was appropriate, and that she correctly

2. The Report and Recommendations (Docket No. 23) is **APPROVED** and **ADOPTED**;
3. Plaintiff's Brief and Statement of Issues in Support of Request for Review (Docket No. 19) is **DENIED**;
4. The final decision of the Commissioner is **AFFIRMED**; and
5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E. K. PRATTER
UNITED STATES DISTRICT JUDGE

resolved all issues in this action. Accordingly, Plaintiff's Objections will be overruled, Magistrate Judge Sitarski's Report and Recommendation will be adopted and approved, and the Commissioner's final decision will be affirmed.